

REMARKS

The claims have been amended to correct typographical errors therein, to address the rejections under 35 USC 112 and to clarify their meaning.

Claims 7, 10, 11 and 12 have been amended to insert the word "cross" which was inadvertently omitted prior to "member" to ensure consistency of terminology.

Claims 18, 20 and 21 have been amended to correct grammar to facilitate understanding of these claims.

Claim 23 has been amended to insert the word "bar" which was inadvertently omitted after the word "handle" to ensure that consistent terminology is used.

35 USC 112

Claims 3, 6 and 14 were amended to address the rejections under 35 USC 112, paragraph 2.

In particular, claim 3 was amended to correct its dependency, claim 6 was amended to ensure proper antecedent support and claim 14 was amended to delete a duplicate recitation of parts.

35 USC 102(b) - Claims 1 to 7, 11 and 12

Claims 1 to 7, 11 and 12 were rejected based on 35 USC 102(b) as being anticipated. In particular, claims 1 to 3, 7 and 12 were rejected under 35 USC 102(b) as being anticipated by Shamie (US Patent No. 5,622,376) and claims 1 to 7, 11 and 12 were rejected under 35 USC 102(b) as being anticipated by Mitzman (US Patent No. 6,357,784).

Claim 1 clearly requires that the stroller include a "flexible elongate cross member". It is clear from the application, such as at page 10, lines 25 and 26, that the term "flexible" means flexible so as to permit reversible folding thereof. The application clearly

teaches that a flexible elongate cross member would be embodied, for example, by a cable, a strap, a chain, a cord, etc., as set out at page 5, line 11 of the application.

Based on this, it is clear that the rejections under 35 USC 102(b) based on Shamie and Mitzman should be withdrawn. In particular, the cross members of the cited references such as parts 26, 66, 68 in Shamie or parts 13a, 13b of Mitzman are rods or platforms are employed for their supporting and pushing properties and collapsible only as permitted by hinges and pivot points. Since hinges and pivot points are necessary to permit their bending, it is clear that the cross members of Shamie or Mitzman, would not be considered flexible on their own as defined in claim 1.

Favorable consideration and withdrawal of the rejections to claims 1 to 7, 11 and 12 under 35 USC 102(b) are respectfully requested.

35 USC 102(b) - Claims 13 to 21

Claims 13 to 21 were rejected under 35 USC 102(b) as being anticipated. In particular, claims 13 to 17 and 20 were rejected under 35 USC 102(b) as being anticipated by Kassai (US Patent No. 4,317,581), claims 13 to 21 were rejected under 35 USC 102(b) as being anticipated by Shamie (US Patent No. 5,622,376) and claims 13, 14 and 16 to 19 were rejected under 35 USC 102(b) as being anticipated by Mitzman (US Patent No. 6,357,784).

Claim 13 has been amended to clarify that the "relative wheel positioning means" is for "selecting ... the spacing ... when the frame is in the upright position" as supported at page 13, lines 22 to page 14, line 15.

With this amendment, it is clear that the rejections under 35 USC 102(b) based on Kassai, Shamie and Mitzman should all be withdrawn. In particular, none of the cross members, hinges or supporting mechanisms of the cited references act as means for selecting and maintaining the spacing of the at least one front wheel relative to at least one of the left rear wheel and the right rear wheel when the frame is in the upright position. Any relative front/rear wheel positioning means of the cited patents, such as part 18 in Kassai, parts 26, 68, 70 of Shamie or parts 13a, 13b, 14 or Mitzman, all

appear to permit selection of the front/rear wheel spacing when the stroller is moving from the folded configuration to an upright configuration, but not when the stroller is in the upright configuration.

Since none of the cited references teach the invention as claimed in claim 13, the examiner is respectfully requested to withdraw the 102 rejections of claims 13 to 21.

35 USC 102(b) - Claim 22

Claim 22 was rejected under 35 USC 102(b) as being anticipated by Mitzman (US Patent No. 6,357,784).

Claim 22 has been amended differentiate over Mitzman. In particular, the claim has been amended to clarify that the pivotal connection of the handle bar is incorporated into "a lever mechanism" for "driving the handle bar against a fulcrum for handle height adjustment" as supported at page 13, lines 7 to 12.

Since these limitations are neither shown nor described in Mitzman, the examiner is respectfully requested to reconsider and withdraw the rejection to claim 22 based on Mitzman.

35 USC 102(b) - Claims 25 to 28

Claims 25 to 28 were rejected under 35 USC 102(b) as being anticipated by Mitzman (US Patent No. 6,357,784).

Claim 25 has been amended differentiate over Mitzman. In particular, the claim has been amended to clarify that the locking means is "selected such that its operation controls pivoting of both of the at least two frame members" as supported at page 11, lines 22 to 24.

Mitzman requires a separate locking means for each of its pivoting main frame members. Since this limitation is neither shown nor described in Mitzman, the examiner is respectfully requested to reconsider and withdraw the rejection to claim 25 based on Mitzman.

New claims 50 to 57 have been added to define further aspects based on claim 25.

Allowable Subject Matter

The Examiner noted that claims 8 to 10, 23 and 24 were objected as being dependent on a rejected base claim, but would be allowable if rewritten in independent form.

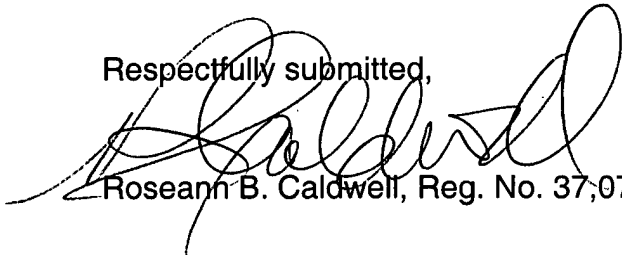
As such, claim 8 has been rewritten as claim 45 including all of the limitations of the claims from which it depended;

Claim 10 has been rewritten as claim 47 including all of the limitations of claim 1 from which it depended;

Claim 23 has been rewritten as claim 48 including all of the limitations of claim 22 from which it depended.

Applicant has addressed all of the issues raised in the office action. Reconsideration and allowance of the present application are respectfully requested and are believed to be appropriate in view of the foregoing. Favorable consideration is respectfully requested.

Respectfully submitted,



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